

Abstract

Non-compete clauses and similar arrangements

This diploma thesis is concerned with contractual arrangements between the employee and the employer restricting the employee from a certain action after the termination of his employment with the employer. The aim of this thesis is to provide a comprehensive overview of non-compete clauses and similar arrangements in labour law, to define their shortcomings and to evaluate the current legal framework and the future applicability of such arrangements in the Czech labour law. The thesis mainly describes the institute of restrictive covenants, consisting of non-compete clauses, non-disclosure agreements and non-solicitation clauses, for which it often uses foreign legislation as sources of inspiration. In order to fulfil these goals, the thesis is divided into three chapters, which are subsequently divided into subchapters.

The first chapter is devoted to the history and development of non-compete clauses in the Czech Republic. The subchapters are divided chronologically, with the essential part being devoted to the period from the establishment of the independent Czech Republic to the date of effectiveness of the current Labour Code. The regulation of the non-compete clause reflected in the Labour Code is examined in the second chapter of the diploma thesis. This chapter is divided into nine subchapters, which contain a detailed analysis and description of the individual attributes of the non-compete clause and the problems arising out of the application of the clause in practice. Due to the possible future contribution to the improvement of the applicability of the non-compete clause, *de lege ferenda* proposals are formulated at the end of the chapter. The third and last chapter is focused on the arrangements related to the non-compete clause, i.e. arrangements that are similar to the non-compete clause at least in the basic respects. These arrangements are examined in four subchapters, the first of which introduces the institute of non-disclosure agreements, the second is devoted to non-solicitation clauses and the third subchapter explains the nature of the garden leave clauses and the blue pencil doctrine, institutes which are primarily used in the Anglo-American legal system and are closely related to the restrictive covenants. The last part formulates a proposal for the incorporation of the regulation of restrictive covenants into the Czech legal system.

Key words:

labour law, restrictive covenants, non-compete clause